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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Item 2 (d) of the provisional agenda*
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

Mexico: draft resolution

Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,[1] and reaffirming its decisions 7/1 of 10 October 2014 and 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", 7/2 of 10 October 2014, entitled "Importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", and 8/3 of 21 October 2016, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime",

Welcoming the results of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to

* CTOC/COP/2018/1.

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

Please recycle

Promote the Rule of Law at the National and International Levels, and Public Participation,[2]

Bearing in mind the commitment made by Member States in the 2030 Agenda for Sustainable Development[3] to significantly reduce illicit arms flows in their efforts to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and recognizing the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and various forms of crime,

Deeply concerned about the increasing levels of harm and violence that transnational organized criminal groups are generating in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

Committed to adopting an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to considering the gender dimension of such crime,

Aware of the need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their trafficking,

Considering the recent efforts undertaken at both the multilateral and regional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, for the benefit of citizens,

Recognizing the valuable contribution, where appropriate and useful, of representatives from academia, private industry and civil society in raising awareness and exchanging best practices regarding international cooperation in preventing the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying and providing for technical assistance needs,

Recalling that the Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] are among the principal global legal instruments to combat the

[2] General Assembly resolution 70/174, annex.

[3] General Assembly resolution 70/1.

[4] United Nations, *Treaty Series*, vol. 2326, No. 39574.

illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,[5] which provides a framework for its States parties to regulate the licit trade in arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[6] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,[7] which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to identify new challenges, improve international cooperation, and exchange information and best practices related to firearms trafficking,

Noting with appreciation the assistance provided, upon request, by the United Nations Office on Drugs and Crime to States, including through its Global Programme on Firearms, for awareness-raising, the dissemination of information, and support for developing national legislation, aimed at facilitating the ratification, acceptance or approval of, or accession to, the Organized Crime Convention and its Firearms Protocol,

Recognizing the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Expresses its appreciation* for the work of the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018,[8,9] respectively, takes note of the recommendations contained in the reports on those meetings, and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group;

2. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] and to fully implement its provisions, requests the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

3. *Urges* States parties to the Firearms Protocol to harmonize their national legislation in a manner consistent with the Protocol, develop action plans, programmes or strategies to fully implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact in that regard and make use of the online directory of competent national authorities designated by States under the Protocol;

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[5] See General Assembly resolution 67/234 B.

[6] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[7] A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

[8] CTOC/COP/WG.6/2017/4.

[9] CTOC/COP/WG.6/2018/4.

4. *Also urges* States parties to the Firearms Protocol to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their trafficking;

5. *Encourages* States parties to the Firearms Protocol to address any existing gaps in their national legislative frameworks in order to ensure that their national laws satisfy the requirements of the Protocol, as well as other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*;[10]

6. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,[1] to present, including through the Working Group on Firearms, their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on firearms trafficking, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating trafficking, and in this regard requests the Working Group on Firearms to consider at its future meetings its contribution to the achievement of target 16.4 of the Sustainable Development Goals,[3] as well as to measuring the progress in enforcing the control system that will enable national authorities in the fight against firearms trafficking;

8. *Encourages* States parties to revise and enhance their national data collection practices and tools, and to participate in and contribute to the upcoming data collection cycle of the United Nations Office on Drugs and Crime, with a view to identifying trends and patterns related to trafficking in firearms, fostering information exchange and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals;

9. *Reiterates* its invitation to States parties that have not yet done so to provide the United Nations Office on Drugs and Crime with quantitative and qualitative data and information on trafficking in firearms, and to those that have provided information to continue doing so, with a view to enhancing the exchange of information between Member States and the availability of data;

10. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

11. *Encourages* States parties to the Firearms Protocol, in line with article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

12. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of

[10] United Nations publication, Sales No. E.05.V.2.

the Protocol, for the purpose, inter alia, of identifying and tracing firearms and, where possible, their parts and components and ammunition;

13. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of trafficking, as well as to use tracing results to conduct in-depth criminal investigations on firearms trafficking, including parallel financial or other investigations, where appropriate;

14. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of existing tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

15. *Urges* States parties to promote the exchange of best practices and experiences of practitioners who are involved in combating trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of trafficking in firearms;

16. *Invites* States parties to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in accordance with articles 6 and 8 of the Firearms Protocol, for the purpose of preventing and reducing the risk of theft, diversion and trafficking;

17. *Also invites* States parties to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

18. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on firearms trafficking, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

19. *Invites* States parties to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with articles 6, 7, 8 and 12 of the Firearms Protocol, emphasizing that such efforts are critical to the effective tracing and identification of trafficked firearms, and to provide training, including training on new technologies, to law enforcement personnel on the identification of firearms and the recording and reporting of firearms seizures;

20. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent trafficking in firearms, bearing in mind the ongoing process on the illicit trade in small arms and light weapons in all its aspects;

21. *Urges* States parties to undertake efforts to reinforce their border control cooperation and to consider strengthening their early-detection capacities to prevent the diversion of and trafficking in firearms, their parts and components and ammunition, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls on land, at sea and in the air, and through specialized training for law enforcement, customs and judicial authorities, importers and exporters and other relevant actors;

22. *Also urges* States parties to strengthen coordination and cooperation among all of their internal institutions involved in the prevention of and the fight against trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, applying the good practices adopted by some countries in their fight against terrorism and organized crime;

23. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

24. *Also encourages* States parties to take advantage of the discussions of the Working Group involving the sharing and exchanging of information on trends and policies with respect to the craft production of firearms, their parts and components and ammunition, and, at the same time, to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated by means of the darknet and cryptocurrencies, in order to reduce trafficking in firearms, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate the greater participation of experts and competent authorities;

25. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology and new technological tools that could be used by transnational organized criminal groups;

26. *Encourages* relevant international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol and to raise awareness with a view to preventing and countering trafficking in firearms, their parts and components and ammunition;

27. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

28. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

29. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* as a starting point for further analysis and taking into account target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

30. *Requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other entities with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other,

with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

31. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and strengthen synergies with other relevant United Nations entities in order to support national capacities to compile and analyse data on trafficking in firearms, and to advance progress in achieving target 16.4 of the 2030 Agenda for Sustainable Development;

32. *Requests* the Secretariat to inform the Working Group on Firearms about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

33. *Also requests* the Secretariat to promote cooperation and coordination among the secretariats and pertinent bodies of relevant international and regional instruments and mechanisms;

34. *Further requests* the Secretariat to support the Working Group in the performance of its functions;

35. *Decides* to request the Secretariat to provide to the Conference at its tenth session a report on the meetings of the Working Group held prior to that session;

36. *Invites* States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

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Agenda item 2 (d)
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

Brazil, Ecuador, El Salvador, Guatemala, Mexico and Peru: revised draft resolution

Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,[1] and reaffirming its decisions 7/1 of 10 October 2014 and 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", 7/2 of 10 October 2014, entitled "Importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", and 8/3 of 21 October 2016, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime",

Welcoming the results of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

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Promote the Rule of Law at the National and International Levels, and Public Participation,[2]

Bearing in mind the 2030 Agenda for Sustainable Development[3] and its target 16.4, on significantly reducing illicit arms flows in order to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and taking into account the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and existing and emerging forms of organized crime and, in some cases, terrorism,

Deeply concerned about the increasing levels of harm and violence that transnational organized criminal groups are generating in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

Recognizing the urgent need for States parties to adopt an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to considering the gender dimension of such crime,

Deeply concerned about the negative impact of trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating trafficking in firearms are key to combating gender-based violence,

Aware of the need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their trafficking,

Noting recent efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in order to contribute to protecting the safety of people,

Highlighting that the Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

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[2] General Assembly resolution 70/174, annex.

[3] General Assembly resolution 70/1.

[4] United Nations, *Treaty Series*, vol. 2326, No. 39574.

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,[5] which provides a framework for its States parties to regulate the international trade in conventional arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[6] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,[7] which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to identify new challenges, improve international cooperation, and exchange information and best practices related to combating trafficking in firearms,

Noting with appreciation the assistance provided to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, for awareness-raising, the dissemination of information, and support for developing national legislation, aimed at facilitating the ratification, acceptance or approval of, or accession to, the Organized Crime Convention and its Firearms Protocol,

Acknowledging the valuable contribution, where appropriate and useful, of representatives from academia, the private sector and civil society, in raising awareness and exchanging best practices regarding international cooperation in preventing and combating the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying technical assistance needs and providing such assistance, including the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Expresses its appreciation* for the work of the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018,[8,9] respectively, and invites States parties to take measures, as appropriate, to implement the recommendations contained in the reports on those meetings, and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group;

2. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] and to fully implement its provisions, requests the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

3. *Urges* States parties to the Firearms Protocol to harmonize their legislation in a manner consistent with the Protocol, develop action plans, programmes or strategies to fully implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact in that regard

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[5] See General Assembly resolution 67/234 B.

[6] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[7] A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

[8] CTOC/COP/WG.6/2017/4.

[9] CTOC/COP/WG.6/2018/4.

and make use of the online directory of competent national authorities designated by States under the Protocol;

4. *Calls upon* States parties to the Firearms Protocol to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, as well as the illicit reactivation of firearms, with a view to, inter alia, reducing their illicit trafficking;

5. *Encourages* States parties to the Firearms Protocol to address any existing gaps in their legislative frameworks in order to ensure that their laws satisfy the requirements of the Protocol, as well as other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*;[10]

6. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,[1] to present, on a voluntary basis, including through the Working Group on Firearms, their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on firearms trafficking, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating trafficking, and, recognizing the complementarity of reporting by States parties to the Protocol and by Member States under indicator 16.4.2 of the Sustainable Development Goals, invites the Working Group on Firearms to consider this complementarity at its next meeting;

8. *Encourages* States parties to revise and enhance their national data collection practices and tools, and with a view to identifying trends and patterns related to trafficking in firearms, fostering information exchange and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data-collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information on trafficking in firearms;

9. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

10. *Encourages* States parties to the Firearms Protocol, in line with its article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

11. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of

[10] United Nations publication, Sales No. E.05.V.2.

the Protocol, for the purpose, inter alia, of identifying and tracing firearms and, where possible, their parts and components and ammunition;

12. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of trafficking, as well as to use tracing results to conduct in-depth criminal investigations on firearms trafficking, including parallel financial or other investigations, where appropriate;

13. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

14. *Urges* States parties to promote the exchange of best practices and experiences of practitioners who are involved in preventing and combating trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of trafficking in firearms;

15. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in accordance with its articles 6 and 8, for the purpose of preventing and reducing the risk of theft, diversion and trafficking;

16. *Also invites* States parties to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

17. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on firearms trafficking, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

18. *Invites* States parties to the Firearms Protocol to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with its articles 6, 7, 8 and 12, emphasizing that such efforts are critical to the effective tracing and identification of trafficked firearms, and to provide training, including training on new technologies, to law enforcement personnel on the identification of firearms and the recording and reporting of firearms seizures;

19. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat trafficking in and diversion of firearms ammunition, parts and components, including by strengthening early-detection capacities through the use of technological tools, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls on land, at sea and in the air, and by providing specialized training to law enforcement, customs and judicial authorities, as appropriate, as well as to importers and exporters and other relevant private sector actors, such as transporters;

20. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, to strengthen the national capacities

of developing countries, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating trafficking in firearms;

21. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to develop specific risk indicators to assist national authorities in their efforts to prevent, detect and combat cases of diversion, illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

22. *Encourages* States parties to consider establishing or strengthening specialized units with a view to enhancing investigative capacities and strategies to prevent, combat and eradicate firearms trafficking, and to consider enhancing scientific services related to the gathering and processing of related evidence;

23. *Invites* States parties to collect data that have been disaggregated by gender and trafficking in firearms, including through national reports, and to increase their understanding of the gender-specific impacts of the trafficking in firearms, in particular for the purpose of improving corresponding national policies and programmes;

24. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender perspectives into firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, and encourages the sharing of national experiences, lessons learned and best practices;

25. *Urges* States parties to strengthen coordination and cooperation among all of their internal institutions involved in the prevention of and the fight against trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, and making use of the good practices adopted by some countries;

26. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

27. *Also encourages* States parties to take advantage of the discussions of the Working Group involving the sharing and exchanging of information on trends and policies with respect to the unauthorized craft production of firearms, their parts and components and ammunition, and to take cognizance of the ongoing work of the Expert Group to Conduct a Comprehensive Study on Cybercrime to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated through the criminal misuse of information and communication technologies such as the darknet and cryptocurrencies, in order to reduce trafficking in firearms, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate the greater participation of experts and competent authorities;

28. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology and new technological tools;

29. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol and to raise awareness with a view to preventing and countering trafficking in firearms, their parts and components and ammunition;

30. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative

development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

32. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* and target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

33. *Requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other entities with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other, with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

34. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and strengthen synergies with other relevant United Nations entities in order to support national capacities to compile and analyse data on trafficking in firearms, thus helping States achieve target 16.4 of the 2030 Agenda for Sustainable Development;

35. *Requests* the Secretariat to inform the Working Group on Firearms about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

36. *Also requests* the Secretariat to promote cooperation and coordination among the secretariats and pertinent bodies of relevant international and regional instruments and mechanisms;

37. *Further requests* the Secretariat to continue supporting the Working Group in the performance of its functions;

38. *Decides* to request the Secretariat to provide to the Conference at its tenth session a report on the meetings of the Working Group held prior to that session;

39. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

United Nations CTOC/COP/2018/L.5/Rev.2

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
18 October 2018

Original: English

Ninth session
Vienna, 15–19 October 2018
Agenda item 2 (d)
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

Brazil, Ecuador, El Salvador, Guatemala, Mexico, Peru and the European Union: revised draft resolution

Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,[1] and reaffirming its decisions 7/1 of 10 October 2014 and 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", 7/2 of 10 October 2014, entitled "Importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", and 8/3 of 21 October 2016, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime",

Welcoming the results of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

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Promote the Rule of Law at the National and International Levels, and Public Participation,[2]

Bearing in mind the 2030 Agenda for Sustainable Development[3] and its target 16.4, on significantly reducing illicit arms flows in order to promote peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and taking into account the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

Concerned about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and existing and emerging forms of organized crime and, in some cases, terrorism,

Deeply concerned about the increasing levels of harm and violence that transnational organized criminal groups are generating in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups,

Recognizing the urgent need for States parties to adopt an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to considering the gender dimension of such crime,

Deeply concerned about the negative impact of illicit trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating illicit trafficking in firearms are key to combating gender-based violence,

Aware of the need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Convinced of the need for States parties to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking,

Noting recent efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in order to contribute to protecting the safety of people,

Highlighting that the Convention and, in particular, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] are among the principal global legal instruments to combat the

[2] General Assembly resolution 70/174, annex.

[3] General Assembly resolution 70/1.

[4] United Nations, *Treaty Series*, vol. 2326, No. 39574.

illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,[5] which provides a framework for its States parties to regulate the international trade in conventional arms, as well as regional legal instruments, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[6] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,[7] which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

Acknowledging that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to identify new challenges, improve international cooperation, and exchange information and best practices related to combating illicit trafficking in firearms,

Noting with appreciation the assistance provided to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, for awareness-raising, the dissemination of information, and support for developing national legislation, aimed at facilitating the ratification, acceptance or approval of, or accession to, the Organized Crime Convention and its Firearms Protocol,

Acknowledging the valuable contribution, where appropriate and useful, of representatives from academia, the private sector and civil society, in raising awareness and exchanging best practices regarding international cooperation in preventing and combating the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying technical assistance needs and providing such assistance, including the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing, marking and record-keeping, and encouraging their further cooperation to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Endorses* the recommendations adopted by the Working Group on Firearms at its fifth and sixth meetings, held in Vienna from 8 to 10 May 2017 and on 2 and 3 May 2018,[8,9] respectively, and invites States parties to take measures, as appropriate, to implement the recommendations contained in the reports on those meetings, and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group;

2. *Invites* States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[4] and to fully implement its provisions, requests the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to implement its mandate in this regard;

3. *Urges* States parties to the Firearms Protocol to harmonize their legislation in a manner consistent with the Protocol, develop action plans, programmes or

[5] See General Assembly resolution 67/234 B.

[6] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[7] A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

[8] CTOC/COP/WG.6/2017/4.

[9] CTOC/COP/WG.6/2018/4.

strategies to fully implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact in that regard and make use of the online directory of competent national authorities designated by States under the Protocol;

4. *Calls upon* States parties to the Firearms Protocol to ensure that their legal frameworks and relevant measures eliminate loopholes and adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, as well as the illicit reactivation of firearms, with a view to, inter alia, reducing their illicit trafficking;

5. *Encourages* States parties to the Firearms Protocol to address any existing gaps in their legislative frameworks in order to ensure that their laws satisfy the requirements of the Protocol, as well as other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*;[10]

6. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,[1] to present, on a voluntary basis, including through the Working Group on Firearms, their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit trafficking in firearms, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating illicit trafficking, and, recognizing the complementarity of reporting by States parties to the Protocol and by Member States under indicator 16.4.2 of the Sustainable Development Goals, invites the Working Group on Firearms to consider this complementarity at its next meeting;

8. *Encourages* States parties to revise and enhance their national data collection practices and tools, and with a view to identifying trends and patterns related to illicit trafficking in firearms, fostering information exchange and enabling the global monitoring of indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data-collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information on illicit trafficking in firearms;

9. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Firearms Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking;

10. *Encourages* States parties to the Firearms Protocol, in line with its article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

11. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of

[10] United Nations publication, Sales No. E.05.V.2.

the Protocol, for the purpose, inter alia, of identifying and tracing firearms and, where possible, their parts and components and ammunition;

12. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of trafficking, as well as to use tracing results to conduct in-depth criminal investigations on illicit trafficking in firearms, including parallel financial or other investigations, where appropriate;

13. *Encourages* States parties to provide one another with the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

14. *Urges* States parties to promote the exchange of best practices and experiences of practitioners who are involved in preventing and combating illicit trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of illicit trafficking in firearms;

15. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, in accordance with its articles 6 and 8, for the purpose of preventing and reducing the risk of theft, diversion and illicit trafficking;

16. *Also invites* States parties to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts and components;

17. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on illicit trafficking in firearms, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

18. *Invites* States parties to the Firearms Protocol to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with its articles 6, 7, 8 and 12, emphasizing that such efforts are critical to the effective tracing and identification of illicitly trafficked firearms, and to provide training, including training on new technologies, to law enforcement personnel on the identification of firearms and the recording and reporting of firearms seizures;

19. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat illicit trafficking in and diversion of firearms ammunition, parts and components, including by strengthening early-detection capacities through the use of technological tools, for example by using state-of-the-art technological tools for the monitoring and inspection of border controls on land, at sea and in the air, and by providing specialized training to law enforcement, customs and judicial authorities, as appropriate, as well as to importers and exporters and other relevant private sector actors, such as transporters;

20. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, to strengthen the national capacities

of developing countries, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating illicit trafficking in firearms;

21. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to develop specific risk indicators to assist national authorities in their efforts to prevent, detect and combat cases of diversion, illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

22. *Encourages* States parties to consider establishing or strengthening specialized units with a view to enhancing investigative capacities and strategies to prevent, combat and eradicate illicit trafficking in firearms, and to consider enhancing scientific services related to the gathering and processing of related evidence;

23. *Invites* States parties to collect data that have been disaggregated by gender and illicit trafficking in firearms, including through national reports, and to increase their understanding of the gender-specific impacts of the illicit trafficking in firearms, in particular for the purpose of improving corresponding national policies and programmes;

24. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender perspectives into firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, and encourages the sharing of national experiences, lessons learned and best practices;

25. *Urges* States parties to strengthen coordination and cooperation among all of their internal institutions involved in the prevention of and the fight against illicit trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, and making use of the good practices adopted by some countries;

26. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

27. *Also encourages* States parties to take advantage of the discussions of the Working Group involving the sharing and exchanging of information on trends and policies with respect to the unauthorized craft production of firearms, their parts and components and ammunition, and to take cognizance of the ongoing work of the Expert Group to Conduct a Comprehensive Study on Cybercrime to address the topic of trends identified and efforts undertaken with regard to the detection and dismantling of trafficking crimes perpetrated through the criminal misuse of information and communication technologies such as the darknet and cryptocurrencies, in order to reduce illicit trafficking in firearms, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate the greater participation of experts and competent authorities;

28. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology and new technological tools;

29. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol and to raise awareness with a view to preventing and countering illicit trafficking in firearms, their parts and components and ammunition;

30. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control

regime, consistent with the Firearms Protocol, in particular in the areas of legislative development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

32. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on illicit trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* and target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

33. *Requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other entities with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other, with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

34. *Also requests* the United Nations Office on Drugs and Crime to continue to promote and strengthen synergies with other relevant United Nations entities in order to support national capacities to compile and analyse data on illicit trafficking in firearms, thus helping States achieve target 16.4 of the 2030 Agenda for Sustainable Development;

35. *Requests* the Secretariat to inform the Working Group on Firearms about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

36. *Also requests* the Secretariat to promote cooperation and coordination among the secretariats and pertinent bodies of relevant international and regional instruments and mechanisms;

37. *Further requests* the Secretariat to continue supporting the Working Group in the performance of its functions;

38. *Decides* to request the Secretariat to provide to the Conference at its tenth session a report on the meetings of the Working Group held prior to that session;

39. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

United Nations CTOC/COP/2018/L.6

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
16 October 2018

Original: English

Ninth session
Vienna, 15–19 October 2018
Item 4 of the provisional agenda*
International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

Draft resolution submitted by the Chair of the Working Group on International Cooperation

Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime,

Noting that international cooperation has a prominent place within the overall context of the United Nations Convention against Transnational Organized Crime[1] and that addressing related issues constitutes a fundamental part of the work carried out by the United Nations Office on Drugs and Crime to assist States parties in the effective implementation of the Convention and the Protocols thereto,[2]

Recalling its decision 2/2 of 19 October 2005, entitled "Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime", to establish, at its third session, an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation,

Reaffirming its decision 3/2 of 18 October 2006, entitled "Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime", under which an open-ended working group on international cooperation was to be a constant element of the Conference of the Parties,

Recalling its decision 4/2 of 17 October 2008 and its resolution 5/8 of 22 October 2010, both entitled "Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime", its resolution 6/1 of 19 October 2012, entitled "Ensuring effective

* CTOC/COP/2018/1.

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[2] Ibid., vols. 2237, 2241 and 2326, No. 39574.

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Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", and its resolution 7/4 of 10 October 2014, entitled "Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime",

Also recalling its resolution 8/1 of 21 October 2016, entitled "Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime", in which the Conference urged States parties to afford one another the greatest measure of assistance, in accordance with the provisions of the Convention, as well as their domestic laws, and encouraged States parties, consistent with their national legal frameworks, to make the widest possible use of the Convention as a basis for international cooperation,

Welcoming the work of the Working Group on International Cooperation,

1. *Endorses* the recommendations adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017, which are contained in annex I to the present resolution;

2. *Also endorses* the recommendations adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018, which are contained in annex II to the present resolution;

3. *Further endorses* the recommendations adopted by the Working Group on International Cooperation at its tenth meeting, held on 16 October 2018, which are contained in annex III to the present resolution.

Annex I

Recommendations adopted by the Working Group on International Cooperation at its eighth meeting, held from 9 to 13 October 2017

The Working Group on International Cooperation, at its eighth meeting, held from 9 to 13 October 2017 in conjunction with the tenth meeting of the Working Group of Government Experts on Technical Assistance,[3] adopted the following recommendations for endorsement by the Conference:

(a) States parties to the United Nations Convention against Transnational Organized Crime[1] are encouraged to make use, where appropriate and applicable, of the Convention as a legal basis for transferring criminal proceedings to another State party in relation to the offences covered by the Convention and the Protocols thereto and in accordance with the requirements set forth in article 21 of the Convention;

(b) As part of their preparations for a formal request for assistance and with a view to avoiding additional costs and duplication of work, in particular in the field of transfer of criminal proceedings, including in cases provided for in national legislation and involving joint investigative teams, States parties are encouraged to consider engaging in consultations, before and during the preparation of international cooperation requests, in order to identify needs and to assess the appropriateness of those requests and ways to deal with the practicalities of such cooperation;

(c) In assessing whether a request for the transfer of criminal proceedings should be made, States parties should consider, inter alia, existing bases of criminal jurisdiction, how to best serve the interests of the proper administration of justice, the interests and rights of the persons involved (offenders and victims), the costs to be incurred and national sovereignty issues;

(d) In implementing article 21 of the Convention and concluding bilateral treaties or agreements on the transfer of criminal proceedings, States parties may

[3] See CTOC/COP/WG.2/2017/4–CTOC/COP/WG.3/2017/4.

consider making full use of the Model Treaty on the Transfer of Proceedings in Criminal Matters as a guidance tool;

(e) States parties should make use of existing regional judicial cooperation networks to facilitate discussions on conflicts of criminal jurisdiction and ways to address them;

(f) The Secretariat should assist the Conference in compiling material and information received from States parties on best practices, including practical considerations, in the field of transfer of criminal proceedings;

(g) States parties should continue their efforts to facilitate the active participation of central authorities and law enforcement in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(h) To further support the exchange of practical expertise among practitioners in the field of international cooperation, the Secretariat, should continue to seek to organize, within its mandate, subject to the availability of resources and with a view to making best use of such resources, practical-oriented expert group meetings either on the margins of the meetings of the Working Group or in conjunction with those of relevant intergovernmental bodies;

(i) The Conference may wish to consider building partnerships with existing regional judicial cooperation networks to enhance coordination mechanisms among them, including through regular meetings in Vienna, subject to the availability of resources and in conjunction with meetings of relevant intergovernmental bodies;

(j) The Conference may wish to consider asking the Secretariat to continue to undertake, subject to the availability of resources, training activities for both criminal justice and law enforcement authorities and private sector entities (service providers), at the national and regional levels, on the gathering and sharing of electronic evidence and on international cooperation relating to such evidence, within the framework of the Convention;

(k) The Conference may wish to consider inviting the Secretariat to assist it and its Working Group on International Cooperation in maintaining communication with the Expert Group to Conduct a Comprehensive Study on Cybercrime, within their respective mandates and keeping the bureaux of both groups informed;

(l) States parties should consider taking legal measures to prevent the use of cryptocurrencies for money-laundering, including in States where cryptocurrencies are not banned, by requiring that companies dealing with cryptocurrencies comply with anti-money-laundering requirements, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of proceeds of crime and tackling the financing of terrorism;

(m) States parties that have not done so are invited to consider amending their legislation to define clear rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained in foreign jurisdictions, and to revise, where appropriate, their existing procedures for mutual legal assistance to adapt them to requests for obtaining and handling electronic evidence;

(n) States parties are invited to build or enhance effective networks for information-sharing for the purpose of obtaining electronic evidence.

Annex II

Recommendations adopted by the Working Group on International Cooperation at its ninth meeting, held from 28 to 31 May 2018

The Working Group on International Cooperation, at its ninth meeting, held from 28 to 31 May 2018 in conjunction with the eleventh meeting of the Working Group of Government Experts on Technical Assistance,[4] formulated the following recommendations:

(a) States parties to the United Nations Convention against Transnational Organized Crime[1] should consider providing to the Secretariat information about their procedural requirements for incoming extradition and mutual legal assistance requests so that the Secretariat may further disseminate that information or make it more widely available, as appropriate and for technical assistance needs;

(b) States parties, in their extradition practice, should give due consideration to article 16, paragraph 5 (b), of the Convention, which governs the conclusion of treaties on extradition, and should consider simplifying evidentiary requirements in extradition proceedings in accordance with paragraph 8 of that article;

(c) States parties are encouraged to consider making more frequent or regular use of informal consultations at different stages of extradition proceedings, mutual legal assistance proceedings and proceedings to transfer sentenced persons, so as to enable the exchange of information on legal requirements or facilitate decision-making in such proceedings, including, where appropriate, prior to and after the refusal of such requests. Such efforts could include steps to inform the requesting countries of potential problems with the requests. With regard to extradition, such efforts could also include informing requesting States of likely defence arguments that could be raised, and giving the requesting State an opportunity to provide additional information or evidence to support an extradition request. The requested State should also inform the requesting State about an adverse court decision in time to allow the requesting State, where appropriate, to provide the information needed for an appeal within the proper time frame;

(d) States parties are encouraged to devote further attention to the need to raise awareness about the utility and added value of the Convention as a legal basis for international cooperation and to enhance the effectiveness of implementation of its pertinent provisions through training and capacity-building;

(e) States parties should consider further promoting the direct transmission of international cooperation requests between central authorities to streamline and expedite international cooperation in criminal matters under the Organized Crime Convention, in accordance with article 18, paragraph 13, of that Convention;

(f) States parties are encouraged to make the best possible use of resources to increase the efficiency and effectiveness of central and/or other competent authorities in dealing with international cooperation requests. In doing so, States parties may wish to consider putting in place or request technical assistance, for the development of case management systems within their central authorities to monitor and better administer the increasing workload occasioned by such requests;

(g) States and other technical assistance providers, including the United Nations Office on Drugs and Crime, are encouraged to incorporate measures to enhance training and technical assistance for central authorities responsible for mutual legal assistance, and competent authorities for extradition to help States parties in their implementation of the Convention;

[4] See CTOC/COP/WG.2/2018/3–CTOC/COP/WG.3/2018/3.

(h) States parties are encouraged to facilitate the active participation of national experts in mutual legal assistance and extradition in forums such as the Working Group on International Cooperation, thus facilitating the exchange of good practices and challenges, promoting direct dialogue between practitioners regarding the implementation of the Convention and maximizing the value of such forums.

Annex III

Recommendations adopted by the Working Group on International Cooperation at its tenth meeting, held on 16 October 2018

The Working Group on International Cooperation, at its tenth meeting, held on 16 October 2018, adopted the following recommendations for endorsement by the Conference:

(a) States parties to the United Nations Convention against Transnational Organized Crime are encouraged to continue their efforts to expedite extradition procedures and simplify evidentiary requirements relating thereto pursuant to article 16, paragraph 8, of the Convention and, in general, to trigger, where necessary, internal reviews for possible reform of their extradition regimes with a view to simplifying extradition procedures where the person sought consents to his or her surrender to the requesting State and trying to minimize opportunities for delays in the extradition process;

(b) States are encouraged to build their extradition relations on mutual trust and confidence and to strengthen, for that purpose, communication and coordination, including by enhancing the practice of formal and informal consultations at various stages of extradition proceedings, in particular with regard to the exchange of information on legal requirements and the identity of the person sought;

(c) States are encouraged, if they have not done so, to consider putting in place inter-agency coordination mechanisms to discuss practical aspects pertaining to the execution of incoming requests for extradition, as well as ways and means to expedite the execution of such requests;

(d) States are encouraged to foster and further promote the cooperation of their central authorities, including in extradition cases, through networking and regular contacts;

(e) States parties should continue their efforts to facilitate the active participation of central authorities in the relevant meetings of the Conference and its working groups, in particular the Working Group on International Cooperation;

(f) Where necessary, States should benefit from the regular exchange of information about and best practices in the provision and enforcement of assurances and guarantees in extradition proceedings regarding the treatment of the person sought in the requesting State, including though the exchange of pertinent jurisprudence in the field of human rights in similar cases;

(g) When refusal of an extradition request is a possible outcome, States are encouraged, in specific circumstances and for humanitarian reasons that are present at the time of the decision, to consider the option of postponing the surrender of the person sought instead;

(h) Subject to the availability of extrabudgetary resources, the Secretariat should conduct research with a view to preparing a discussion paper that would map an overview of practical considerations and challenges that authorities encounter, as well as lessons they have learned and good practices they have identified, in reconciling the need for observing and protecting the human rights of the person sought with the effectiveness of extradition proceedings, and in addressing efficiently

the interplay between, on one hand, refugee and asylum proceedings and, on the other, extradition proceedings;

(i) States parties are encouraged to continue making use, where appropriate and applicable, of the Convention as a legal basis for international cooperation in criminal matters, including extradition;

(j) States parties are encouraged to provide the United Nations Office on Drugs and Crime with updated legal frameworks and concrete cases in which the Convention has been used as legal basis for international cooperation with a view to expanding the information already available in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) and, subject to the availability of extrabudgetary resources, preparing a digest of cases that incorporates accumulated knowledge on this issue and has the potential of being updated regularly.